

REMARKS

In the Office Action¹ mailed July 7, 2009, the Examiner withdrew claim rejections under 35 U.S.C. §§ 101 and 103, but objected to claim 11 because of an informality. In addition, the Examiner rejected claims 1, 2, 4-7, 9-12, and 14-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent Applicant No. 09/561,615 (Attorney Docket No. 10761.0332)².

Applicants respond to the objection and rejection as follows.

Claim Amendments

By this Amendment, Applicants have amended claim 11 to correct the informality. Accordingly, Applicants respectfully request withdrawal of the objection to claim 11. In addition, Applicants have amended claims 2, 4-5, 12, 14-17, and 20-21, to improve grammar and clarity. No new matter has been added.

Regarding the Rejection of Claims 1, 2, 4-7, 8-12, and 14-21

In the Office Action, Examiner rejected claims 1, 2, 4-7, 9-12, and 14-21 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent Applicant No. 09/561,615. In response, Applicants have filed a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 herewith this Amendment to overcome the rejection. Accordingly, Applicants respectfully request withdrawal of the nonstatutory double patenting rejection.

¹ The Office Action may contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² In the Office Action, the Examiner mistakenly cited U.S. Patent No. 6,800,921. See Office Action, page 3. The Examiner later indicated that the correct number should be U.S. Patent Application No. 09/561,615, during a telephone interview on September 10, 2009.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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